

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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JENNIFER L. K.,

Case No. 22-CV-700 (NEB/DTS)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

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The Court has received the May 26, 2023 Report and Recommendation of United States Magistrate Judge David T. Schultz. (ECF No. 29.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 29) is ACCEPTED;
2. Plaintiff's Motion for Summary Judgment (ECF No. 22) is GRANTED IN PART and DENIED IN PART. Specifically, Plaintiff's motion to the Court to enter judgment in favor of Plaintiff is DENIED, and Plaintiff's request in the alternative for further proceedings pursuant to the fourth sentence of 42 U.S.C. Section 405(g) is GRANTED;

3. The Acting Commissioner's Motion for Summary Judgment (ECF No. 26) is DENIED; and
4. The above-captioned matter is REMANDED to the ALJ for further proceedings consistent with this order. The ALJ should redetermine Plaintiff's RFC to either include all limitations the ALJ found persuasive and supported, including a limitation for predictable workplace changes, or explain any omissions. If the RFC is revised, the VE should be recalled for testimony on a new hypothetical addressing all of Plaintiff's limitations.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 14, 2023

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge